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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,484	07/18/2003	Richard J. Mahany	INT-CR-202-04	4542

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EXAMINER

LEE, DIANE I

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,484

Applicant(s)

MAHANY ET AL.

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-76 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because of the following(s):

(a) Line 1: "is disclosed" should be deleted (i.e., the language of the Abstract should be clear and concise and should not repeat information given in the title, furthermore, it should avoid using phrases which can be implied, such as, "This disclosure concerns," "The disclosure defined by this invention," "This disclosure describes," etc.);

(b) Line 5: "can be comprised" should be changed to --can include--.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 7-8, 10-11, 14-17, 19, and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Pellaumail et al. [US 6,409,086-referred as Pellaumail].

Re claims 1, 8, 10, 14, and 76: Pellaumail discloses a data handling system, comprising:

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a plurality of data handling devices 10, each data handling devices 10 comprising a housing (see figure 1), a processor 12 for processing computer instructions, a memory located in the housing coupled to the processor and for storing information, and a first communication component 13 (see figure 1);

a second data handling device 16, comprising a second communication component capable of communicating with said first communication component 18 via wireless communication, such as a radio signal 19, which teaches that both the first and the second communication components inherently includes an wireless access point (such as an RF interfacing port or component, not specifically shown) to the access the radio signal 19 (see figure 1);

a first readiness/status light 21, located on said housing of said first data handling device 10 (see figure 1);

wherein said first readiness light signals whether the data handling system is ready for use (see col. 5, lines 1+).

Re claims 2-3, 5 and 7: wherein the first data handling device comprises a portable data collection device (an optical reader 14, which is an integrated optical indicia reader) having a visual display component and a user-input component, such as a touch screen and a keyboard (see col. 7, lines 5+ and figure 3);

Re claim 11: wherein the second data handling device comprises an optical indicia reader (an ID reader 20, see figure 1);

Re claims 15-17: wherein the first readiness light is made to blink to indicate readiness status (see col. 4, lines 42-43) and wherein the first readiness light comprises a single light 21 or a plurality of lights 21, 38 (see col. 4, lines 65+ and figures 1 and 3).

Re claim 19: wherein the first readiness light is illuminated until it is extinguished when the first data terminal is removed from the socket, which clearly teaches that the first readiness light is essentially

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continuously illuminated to signal that the data handling system is ready-to-use condition or functioning properly (see col. 5, lines 5+ and figure 3).

5. Claims 58-60, 64-68, and 75 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. [US 4,034,194-referred as Thomas].

Re claims 58-60 and 75: Thomas discloses a method of troubleshooting a computerized device having a readiness light, comprising the steps of:

signaling a device problem/error via a readiness light (see the abstract and figure 1);

initiating a diagnostic procedure via a user interface of the computerized device (i.e., the device allows the operator to initiate new diagnostic routine via a control key on the device, see the abstract);

wherein the diagnostic routines or functions are controlled by the test program stored in the ROM 80 of the device;

indicating the result of the diagnostic procedure via illuminating the readiness light of the device (see col. 5, lines 25+ and figure 1);

Re claims 64-66: wherein the device includes a plurality of readiness lights, wherein each light represents specific diagnostic routine of the device (see the abstract and figure 1);

Re claims 67-68: wherein the initiated diagnostic procedure performs a check of a data collection system of the device (i.e., checking the ROM's 66 and the RAM's 68 in the CPU 64, see col. 5, lines 55+); and wherein the ROM's 66 of the CPU stores an application software component of the device (i.e., the ROM's 66 of the CPU stores program data and instruction of the device), thus diagnostic routine of a data collection system of the device (e.g., ROM's 66 of the CPU) inherently checks the application software component of the device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 4, 6, 9, 12-13, 18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellaumail.** The teachings of Pellaumail have been discussed above.

Re claims 4 and 6: Although Pellaumail does not explicitly disclose the user-input component comprising a digitizer screen and a voice-input component, the visual display component and the user-input component of Pellaumail, such as a touch screen and a keyboard, are functionally equivalent to the digitizer screen and the voice-input component. Thus, It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize the known digitizer screen and the voice-input component in the system of Pellaumail in order to process the digital data (e.g., the image data) and operate the system via user's voice.

Re claim 9: Although Pellaumail does not teach the second readiness light located on the second data handling device, the fact that the first readiness light located on the first data handling device provides a visual status indication of the readiness of the first data handling device, it would have been

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obvious to an artisan of ordinary skill in the art at the time of the invention to provide the second readiness light on the second data handling device in order to visually indicate the operational status of the second data handling device.

Re claim 12: Although Pellaumail does not explicitly disclose a radio frequency identification tag reader, the identification device (i.e., the optical ID reader 20) of Pellaumail that reads the identification data is functionally equivalent to the radio frequency identification tag reader for reading the identification data. Furthermore, Pellaumail teaches that the boundary sensing using RFID tag by utilizing a radio frequency identification device (RFID) technology in the system (see col. 8, lines 6+), it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the known radio frequency identification tag reader in the system of Pellaumail in order to read the identification data via RF signal.

Re claim 13: Although Pellaumail fails to explicitly teach the second data handling device comprises a personal computer, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use well-known PC with an optical reader, since it has been held to within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious system design choice. *In re Leshin*, 125 USPQ 416.

Re claim 18: Although Pellaumail fails to explicitly teach the other signaling type of the readiness light, such as changing color. However, the readiness light made to change color to indicate readiness status is functionally equivalent to the blinking and illuminating lamp. Thus, It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize the other known type of signally lamp in the system of Pellaumail in order to visually draw the user's attention. Furthermore, the examiner takes an Official Notice that signaling lamp that changes color is well-known to one of ordinary skill in the art for visually indicate the specific operation.

Re claims 20-24: Although Pellaumail does not explicitly state that the first data handling device must be successfully powered up and booted up before the first readiness light will indicate that the data handling system is ready for use, the purpose of the illuminated first readiness light visually indicates that the operational status of the data handling device is ready for use. Furthermore, Pellaumail teaches the communication channel between the first and the second data handling device since the indicating LED is controlled and activated by the second data handling device 16. Thus, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the term “ready- to- use” condition of Pellaumail obviously encompass the condition of all components of the first data handling device has been successfully powered up and booted up before the first readiness light visually indicate that the data handling system is ready for use.

9. **Claims 25-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellaumail in view of Thomas.** The teachings of Pellaumail and Thomas have been discussed above.

Re claims 25-45: Pellaumail does not teach the specific diagnostic routine of the device.

Thomas teaches the device having a diagnostic function that performs variety of diagnostic routines (see the discussion above).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the diagnostic function that performs variety of diagnostic routines in the device of Pellaumail in order to provide a device that carry out diagnostic procedure to identify any defective component of the device. Such modification would ensure the reliability of the device prior to operating the device.

Re claims 46-56: Pellaumail fails to teach the claimed operations of the diagnostic routine. However, the fact that the diagnostic routine does not have limit as to the type of the routine, incorporating other necessary functions to the diagnostic routine would have been obvious to an artisan of

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ordinary skill in the art at the time the invention was made to increase the function of the diagnostic capability. Such modification would have been an obvious extension taught by Pellaumail.

Re claim 57: Pellaumail teaches the additional memory component coupled with the computerized device to provide additional inventory data (see col. 7, lines 20+).

10. **Claims 61-63 and 69-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of what was well known in the art, as exemplified by Barton et al. [US 6,385,739-referred as Barton.** The teachings of Thomas have been discussed above.

Re claims 61-63: Although Thomas teaches that other types of indicator lamps may be used, Thomas fails to explicitly teach the other signaling type of the readiness light, such as blinking, changing color, and continuously illuminating the light.

The examiner takes an Official Notice that blinking indication lamp, changing color indication lamp, and continuously illuminating the light indication lamp are well known to one of ordinary skill in the art. Further, the examiner takes an Official Notice that in indication lamps that blink change color, and continuously illuminate the light for specific operation is well known to one of ordinary skill in the art, as evidence by Barton.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate other signaling type of the readiness light to visually draw the user's attention for particular result of the diagnostic routine.

Re claims 69-74: Thomas fails to teach the claimed operation of the diagnostic routine. However, the fact that the diagnostic routine does not have limit as to the type of the routine, incorporating other necessary functions to the diagnostic routine would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to increase the function of the diagnostic capability. Such modification would have been an obvious extension taught by Thomas.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Danielson et al [US 6,149,062], Koenck [US 6,006,100], Markwitz et al. [US 6,834,259], and McGregor [US 5,625,669] discloses a system with plurality of data handling device in communication with the host terminal; and

Seim [US 5,313,241] discloses a system with a diagnostic function and a plurality of lamps for indicating the status of the diagnostic results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.